

**A SUBSTITUTE ORDINANCE
BY CITY UTILITIES COMMITTEE**

AN ORDINANCE TO AMEND SECTION 173 (CHARGES FOR SEWERS LAID BY DEVELOPER FOR USE OF DEVELOPMENT), DIVISION 2 (ASSESSMENTS), CHAPTER 154 (UTILITIES), ARTICLE IV (SEWER CONSTRUCTION AND ASSESSMENTS), OF THE CITY OF ATLANTA CODE OF ORDINANCES TO INCREASE CERTAIN FEES AND IMPOSE NEW FEES FOR PIPE AND STRUCTURAL INSPECTION, EROSION CONTROL AND CONSTRUCTION INSPECTION, SITE PLAN REVIEW, AND OTHER SERVICES; TO CREATE A NEW SECTION 318 (APPLICATION FEES), ARTICLE VII (RIPARIAN BUFFER REQUIREMENTS) CHAPTER 74 (ENVIRONMENT), TO IMPOSE A NEW FEE FOR PLAN REVIEW RELATED TO RIPARIAN BUFFER AUTHORIZED ENCROACHMENT APPLICATIONS; TO CREATE A NEW SECTION 521 (FEES), ARTICLE X (POST DEVELOPMENT STORMWATER MANAGEMENT) CHAPTER 74 (ENVIRONMENT) TO IMPOSE A NEW FEE FOR PLAN REVIEW RELATED TO POST DEVELOPMENT STORMWATER MANAGEMENT; TO CREATE A NEW SECTION 208 (FEES), ARTICLE VI (FLOOD AREA REGULATIONS) CHAPTER 74 (ENVIRONMENT) TO IMPOSE A NEW FEE FOR PLAN REVIEW RELATED TO FLOOD PLAIN MANAGEMENT; TO CREATE A NEW SECTION 406 (FEES), ARTICLE VIII (WETLAND PROTECTION REGULATIONS) CHAPTER 74 (ENVIRONMENT) TO IMPOSE A NEW FEE FOR PLAN REVIEW RELATED TO WETLANDS PROTECTION; AND FOR OTHER PURPOSES.

WHEREAS, the Department of Watershed Management performs plan reviews, site inspections, pipe and structural inspections, transportation system inspections, erosion control and construction inspections stormwater management system inspections, sanitary sewer management inspections, riparian buffer authorized encroachment application reviews, post development stormwater management reviews, and other services; and

WHEREAS, the Department of Watershed Management charges certain fees to recuperate the costs associated with some of these services and these fees have not been reviewed or updated to reflect actual costs since 2005 when Atlanta City Council adopted 04-O-1873; and

WHEREAS, pursuant to Section 154-173 of the Code, the Council is authorized to establish fees for inspection of sanitary sewers and storm sewers laid by developers for private development that are required to obtain a permit from the Commissioner of the Department of Watershed Management; and

WHEREAS, pursuant to Section 74-47(a) of the Code, the Council is authorized to establish fees for inspections, plan reviews, or other administrative or regulatory services required to ensure compliance with the City of Atlanta Erosion, Sedimentation, and Pollution Control Ordinance (§ 74-36 *et seq.* of the Atlanta City Code); and

WHEREAS, the Commissioner of the Department of Watershed Management recommends that adjustment of existing fees and creation of new fees is appropriate to capture the actual costs to the Department and make the water and sewer enterprise fund whole for services provided to its customers; and

WHEREAS, it is in the best interests of the City of Atlanta to update fees to reflect actual costs and to create new fees for services where actual costs are not yet being recovered by fees paid by the users of the aforementioned services,

THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA HEREBY ORDAINS as follows:

SECTION 1: Pursuant to the authority granted in this ordinance and in Atlanta City Code Article IV (Sewer Construction and Assessments), Division 2 (Assessments), Chapter 154 (Utilities), Section 173 (Charges for sewers laid by developer for use of development); Article II (Soil Erosion, Sedimentation, and Pollution Control), Chapter 74 (Environment), Section 47(a); and Article IV (Sewer Construction and Assessments), Division 2 (Assessments), Chapter 154 (Utilities), Section 168 (Payment for privilege of connecting to sewer when assessment not made); the rates referenced in Sections 17, 18 and 19, and in Attachment G of 04-O-1873 are amended by repealing the rates established therein and imposing the rates contained in Attachment A and Attachment B to this ordinance.

SECTION 2: That Atlanta City Code § 74-318 (Riparian Buffer Ordinance) entitled “Reserved” is hereby amended to read as follows:

“Sec. 74-318. Fees.

Where inspections, plan reviews, authorized encroachment application review and processing, or other administrative or regulatory services are required for compliance with this ordinance, fees shall be collected in accordance with the schedule of fees and charges established by the council from time to time, copies of which shall be kept on file in the office of the municipal clerk and the commissioner.”

SECTION 3: A new Section 74-521 of the Atlanta City Code (Post-Development Stormwater Management Ordinance) is created to read as follows:

"Sec. 74-521. Fees.

Where inspections, plan reviews, or other administrative or regulatory services are required for compliance with this ordinance, fees shall be collected in accordance with the schedule of fees and charges established by the council from time to time, copies of which shall be kept on file in the office of the municipal clerk and the commissioner."

SECTION 4: A new Section 74-208 of the Atlanta City Code (Flood Area Regulations Ordinance) is created to read as follows:

"Sec. 74-208. Fees.

Where inspections, plan reviews, or other administrative or regulatory services are required for compliance with this ordinance, fees shall be collected in accordance with the schedule of fees and charges established by the council from time to time, copies of which shall be kept on file in the office of the municipal clerk and the commissioner."

SECTION 5: A new Section 74-406 of the Atlanta City Code (Wetland Protection Regulations Ordinance) is created to read as follows:

"Sec. 74-406. Fees.

Where inspections, plan reviews, or other administrative or regulatory services are required for compliance with this ordinance, fees shall be collected in accordance with the schedule of fees and charges established by the council from time to time, copies of which shall be kept on file in the office of the municipal clerk and the commissioner."

SECTION 6: That the applicable fees listed in this ordinance and in the attachments hereto shall be doubled and charged for any building or land disturbing activity (as defined in § 74-37(21) of the Atlanta City Code) begun without a permit.

SECTION 7: That Volume II, Appendix B (Fees), shall be revised, as necessary, to reflect the imposition of fees in accordance with this ordinance.

SECTION 8: All Land Development Plan Review fees set out in Attachment A to this ordinance shall be deposited to the Water/Sewer Enterprise Fund in the following fund: 5051-000002-3442703-0000000, Site Development Plan Review, or as otherwise directed by the Chief Financial Officer.

SECTION 9: All Erosion Control and Construction Inspection fees set out in Attachment B shall be deposited to the Water/Sewer Enterprise Fund in the following fund: 5051-000002-3442711, Erosion Fees & Fines, or as otherwise directed by the Chief Financial Officer.

SECTION 10: Nothing in this ordinance repeals any existing fee unless such repeal is specifically stated herein.

SECTION 11: In the case where a fee ordained herein is also ordained in a different ordinance, this ordinance shall not be construed to authorize said fee to be charged multiple times unless a duplicate charge is specifically authorized herein.

SECTION 12: If any provision, clause, sentence or paragraph of this ordinance, or the application thereof to any person or circumstances, shall be held invalid, such invalidity shall not affect the other provisions or application of the provisions of this ordinance which can be given effect without the invalid provisions or application and, to this end, the provisions of this ordinance are hereby declared to be severable.

SECTION 13: That this ordinance shall be effective upon approval by the Mayor or upon its becoming law without the Mayor's approval.

SECTION 14: That all ordinances or parts of ordinances in conflict herewith are hereby waived to the extent of the conflict.

ATTACHMENT A

Land Development Plan Review Fee Schedule

Plan Review**	Fee
Single Family Residential - New Construction	150.00 per plan
Single Family Residential - Addition, Renovation, Demolition	120.00 per plan
Small Projects (area* less than 100 square feet)	60.00 per plan
Commercial, Subdivision, Planned Development	see below
Basic Site Plan	200.00 per acre of project area*, minimum 200.00
Erosion & Sedimentation Control Plan	200.00 per acre of project area*, minimum 200.00
Stormwater Management Infrastructure Plan	300.00 per acre of site, or 300.00 per acre of project area* if <35% of site, minimum 300.00
Sanitary Sewer Plan	200.00 per acre of project area*, minimum 200.00
New Lot Evaluation	100.00 per lot
Small Projects (area* less than 1,000 square feet)	50% of applicable fees
Plan Review - Administrative Fees	
Riparian Buffer Authorized Encroachment Application	50.00 each
Document Administration for indemnification agreement, performance bond, maintenance bond, easement, encroachment, LOMAR, flood elevation certificate, etc.	50.00 each
Review of revised plan (post-approval)	50% of applicable review fee
Surcharge for construction without a permit	2x multiplier

*Project Area = Disturbed Area as defined in § 74-37(13) of the Atlanta City Code (Soil Erosion, Sedimentation, and Pollution Control Ordinance), and Impacted Area as referenced in § 74-504(b)(1) of the Atlanta City Code (Post-Development Stormwater Management Ordinance).

**Plan review includes review of site conditions for compliance with regulations related to riparian buffers, floodplains, wetlands, grading, stormwater management, sanitary sewer infrastructure and easements, drainage, erosion & sedimentation, hydrology, MRPA, environmental remediation, etc.

ATTACHMENT B

Erosion Control and Construction Inspection Fee Schedule

Site Inspection**	Fee
Single Family Residential - New Construction	200.00 per plan
Single Family Residential - Addition, Renovation, Demolition	130.00 per plan
Small Projects (area* less than 100 sq ft)	65.00 per plan
Commercial, Subdivision, Planned Development	see below
Basic	200.00 per acre of project area*, minimum 200.00
Erosion and Sedimentation Control	300.00 per acre of project area*, minimum 300.00
Stormwater Infrastructure (pipes, drainage structures, stormwater management facilities, infiltration measures)	300.00 per acre of project area*, minimum 300.00
Sanitary Sewer	200.00 per acre of project area*, minimum 200.00
Small Projects (area* less than 1,000 sq ft)	50% of applicable fees
Curb & gutter installation within ROW (public or private)	0.65 per LF
Street Grading & Construction (including sidewalk) within ROW (public or private)	2.50 per Sq. Yd.
Driveway apron	40.00 each
Bond Release	75.00
Surcharge for construction without a permit	2x multiplier
Sanitary Sewer Connection Inspection	
Privately constructed sewer service connection	250.00 each

LF = Linear Foot

*Project Area = Disturbed Area as defined in § 74-37(13) of the Atlanta City Code (Soil Erosion, Sedimentation, and Pollution Control Ordinance), and Impacted Area as referenced in § 74-504(b)(1) of the Atlanta City Code (Post-Development Stormwater Management Ordinance).

**Site inspection includes inspection for compliance with approved plans related to riparian buffers, floodplains, wetlands, grading, stormwater management, sanitary sewer infrastructure and easements, drainage, erosion & sedimentation, hydrology, MRPA, environmental remediation, etc.

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WHEREAS, the Department of Watershed Management performs plan reviews, site inspections, pipe and structural inspections, transportation system inspections, erosion control and construction inspections stormwater management system inspections, sanitary sewer management inspections, riparian buffer authorized encroachment application reviews, post-development stormwater management reviews, and other services; and

WHEREAS, the Department of Watershed Management charges certain fees to recuperate the costs associated with some of these services and these fees have not been reviewed or updated to reflect actual costs since 2005 when Atlanta City Council adopted 04-O-1873; and

WHEREAS, pursuant to Section 154-173 of the Code, the Council is authorized to establish fees for inspection of sanitary sewers and storm sewers laid by developers for private development that are required to obtain a permit from the Commissioner of the Department of Watershed Management; and

WHEREAS, the Commissioner of the Department of Watershed Management recommends that adjustment of existing fees and creation of new fees is appropriate to capture the actual costs to

the Department and make the water and sewer enterprise fund whole for services provided to its customers; and

WHEREAS, it is in the best interests of the City of Atlanta to update fees to reflect actual costs and to create new fees for services where actual costs are not yet being recovered by fees paid by the users of the aforementioned services.

THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA HEREBY ORDAINS as follows:

SECTION 1: Pursuant to the authority of Atlanta City Code § 154-173 of the Code of Ordinances, the rates referenced in Sections 17, 18 and 19, and Attachment G of 04-O-1873 are amended by repealing the rates established therein and imposing the “proposed” rates contained in Attachment A to this ordinance.

SECTION 2: That Atlanta City Code § 74-47 entitled "LDA permit fees" is hereby amended to read as follows:

“Sec. 74-47. Fees.

- (a) *Land-disturbing activity fee.* In addition to any other fee charged in this Code of Ordinances, including, in particular, those fees set out in Appendix B of the Atlanta City Code entitled "Fees," there is assessed a fee of forty dollars (\$40.00) per disturbed acre payable to the City of Atlanta upon application to perform land-disturbing activities. This fee is adopted as required by the State of Georgia pursuant to O.C.G.A. § 12-5-23(5)(a), and the Rules and Regulations for Water Quality Control of the Georgia Department of Natural Resources. This fee shall be collected as a separate and distinct charge for the purposes of administering the implementation of the state general permit, which has been delegated to the city as a local issuing authority pursuant to O.C.G.A. § 12-7-1 *et seq.*
- (b) *Re-inspection fee.* The Commissioner shall charge a fee of fifty dollars (\$50.00) for the re-inspection of a project if a re-inspection is requested prior to the end of a compliance period and the site is found to remain out of compliance upon that inspection. Such fees shall be allocated to cover administrative, field-inspection, and transportation costs, and said re-inspection fee shall be paid prior to the final sign-off.”

SECTION 2: A new Section 74-48 of the Atlanta City Code entitled “Erosion Control Construction Inspection Fees” is created to read as follows:

“Sec. 74-48. Erosion Control Construction Inspection Fees.

Where inspections, plan reviews, or other administrative or regulatory services are required for compliance with this ordinance, fees shall be collected in accordance with the schedule of fees and charges established by the council from time to time, copies of which shall be kept on file in the office of the municipal clerk and the commissioner."

SECTION 3: Pursuant to the authority of Section 74-48 of the Code of Ordinances, rates, fees and charges are established and imposed to recover costs of services according to the "proposed" rates contained in Attachment A to this ordinance.

SECTION 4: That Atlanta City Code § 74-318 entitled "Reserved" is hereby amended to read as follows:

"Sec. 74-318. Application Fees.

Where review and processing of authorized encroachment applications are required for compliance with this ordinance, fees shall be collected in accordance with the schedule of fees and charges established by the council from time to time, copies of which shall be kept on file in the office of the municipal clerk and the commissioner."

SECTION 5: A new Section 74-521 of the Atlanta City Code is created to read as follows:

"Sec. 74-521. Fees.

Where inspections, plan reviews, or other administrative or regulatory services are required for compliance with this ordinance, fees shall be collected in accordance with the schedule of fees and charges established by the council from time to time, copies of which shall be kept on file in the office of the municipal clerk and the commissioner."

SECTION 6: Pursuant to the authority of Section 74-522 of the Code of Ordinances, rates, fees and charges are established and imposed to recover costs of services according to the "proposed 2010" rates contained in Attachment A to this ordinance.

SECTION 7: That Volume II, Appendix B (Fees), shall be revised, as necessary, to reflect the imposition of fees in accordance with this ordinance.

SECTION 8: Monies from fees in this ordinance shall be deposited in the general ledger of the fund from which services are rendered in accounts to be identified by the Chief Financial Officer.

SECTION 9: Nothing in this ordinance repeals any existing fee unless such repeal is specifically stated herein.

SECTION 10: That this ordinance shall be effective upon approval by the Mayor or upon its becoming law without the Mayor's approval.

SECTION 11: That all ordinances or parts of ordinances in conflict herewith are hereby waived to the extent of the conflict.

Attachment A
Site Development Fees

Site Plan Review	Current 2004	Proposed 2010
Plan Review - Single Family Residential - New Construction	100.00 per plan	150.00 per plan
Plan Review - Single Family Residential - Additions and Renovation	100.00 per plan	125.00 per plan
Plan Review - Commercial (including Riparian Buffer, Floodplain, Post-Development Stormwater Management and Hydrology, Erosion & Sedimentation, NPDES Stormwater Construction, MRPA, Wetlands, Environmental Remediation, etc.)	550.00 per plan	650.00 per plan
Plan Review - Subdivisions	50.00 per lot	100.00 per lot
Plan Review Fees - All Categories		
Erosion & Sedimentation > 1 acre disturbed area	125.00 per acre	150.00 per acre
Review of revised plan (post-approval)	n/a	50% of applicable review fee
Miscellaneous agreements (including Indemnifications, Bonds, Easements, etc.)	n/a	25.00 each
Riparian Buffer Authorized Encroachment Application	n/a	50.00
Surcharge for construction without a permit	2x multiplier	2x multiplier
Structures other than single family residential, applied against 50.00 per connection and 1.00 per LF for any sanitary pipe 8" or larger	250.00 minimum	n/a
Post-Development Stormwater Management		
Post-Development Stormwater Management Annual Certification Review	n/a	75.00
Credit for Green Infrastructure Features (e.g. green roof, onsite stormwater recycling, gray water reuse, raingarden, removal of impervious cover and revegetation)	n/a	-50.00

Erosion and Sedimentation Control Fees

Erosion Control and Construction Inspection Fees	Current 2004	Proposed 2010
Site Inspection Base Fee - Residential	130.00	165.00

Site Inspection Base Fee - Commercial and Subdivision		
	830.00	830.00
Site Inspection - PDH - Infrastructure stabilization inspection		
	n/a	TBD
Bond Release	n/a	75.00
Pipe Inspection for Storm Pipes 12" or larger		
	0.25 per LF	0
Pipe Inspection for sanitary pipes 8" or larger		
	1.00 per LF	0
Storm and sanitary structures, not including connection (e.g. manholes, crossdrains, etc.)		
	5.00 each	0
Stormwater management system <1 acre (e.g. detention pond, bioswale, etc.)	n/a	100.00
Stormwater management system >1 acre	n/a	100.00 per acre
Sanitary sewer management system <1 acre (e.g. lift station)	n/a	100.00
Sanitary sewer management system >1 acre	n/a	100.00 per acre
Privately constructed sewer service connection		
	250.00 each	250.00 each
City constructed sewer service connection		
	5,930.00	5,930.00
Curb & gutter installation	0.50 per LF	0.65 per LF
Street Grading & Construction (including sidewalk)		
	2.00 per Sq.Yd.	2.50 per Sq. Yd.
Driveway aprons	2.50 per LF	40.00 each

LF = Lineal Foot

TRANSMITTAL FORM FOR LEGISLATION

TO: MAYOR'S OFFICE

ATTN: Chief of Staff

Dept.'s Legislative Liaison: _____ Maisha L. Wood _____

Contact Number: _____ (404) 330-6887 _____

Originating Department: _____ Department of Watershed Management _____
Committee(s) of Purview: _____ City Utilities _____

Chief of Staff Deadline: _____ May 11, 2010 _____

Anticipated Committee Meeting Date(s): _____ June 1, 2010 _____

Anticipated Full Council Date: _____ June 7, 2010 _____

Legislative Counsel's Signature: _____

Commissioner Signature: _____ Robert G. Hunter ^{sr} _____

Chief Procurement Officer Signature: _____ n/a _____

CAPTION

AN ORDINANCE TO AMEND SECTION 173 (CHARGES FOR SEWERS LAID BY DEVELOPER FOR USE OF DEVELOPMENT), DIVISION 2 (ASSESSMENTS), CHAPTER 154 (UTILITIES), ARTICLE IV (SEWER CONSTRUCTION AND ASSESSMENTS), OF THE CITY OF ATLANTA CODE OF ORDINANCES TO INCREASE CERTAIN FEES AND IMPOSE NEW FEES FOR PIPE AND STRUCTURAL INSPECTION, EROSION CONTROL AND CONSTRUCTION INSPECTION, SITE PLAN REVIEW, AND OTHER SERVICES; TO CREATE A NEW SECTION 48 (EROSION CONTROL AND CONSTRUCTION INSPECTION FEES), ARTICLE II (SOIL EROSION AND SEDIMENTATION CONTROL), CHAPTER 74 (ENVIRONMENT) TO IMPOSE NEW FEES FOR EROSION AND SEDIMENTATION PLAN REVIEW AND OTHER REVIEWS; TO CREATE A NEW SECTION 318 (APPLICATION FEES), ARTICLE VII (RIPARIAN BUFFER REQUIREMENTS) CHAPTER 74 (ENVIRONMENT), TO IMPOSE A NEW FEE FOR RIPARIAN BUFFER AUTHORIZED ENCROACHMENT APPLICATION REVIEW; AND TO CREATE A NEW SECTION 521 (FEES), ARTICLE X (POST DEVELOPMENT STORMWATER MANAGEMENT) CHAPTER 74 (ENVIRONMENT) TO IMPOSE A NEW FEE FOR REVIEWS RELATED TO POST DEVELOPMENT STORMWATER MANAGEMENT PLANS; AND FOR OTHER PURPOSES.

FINANCIAL IMPACT (if any): n/a

Mayor's Staff Only

Received by CPO: _____ Received by LC from CPO: _____
(date) (date)

Received by Mayor's Office: _____ 5/21/10 _____ Reviewed by: _____
(date) (date)

Submitted to Council: _____
(date)